

1 LATHAM & WATKINS LLP
Stephen Stublarec (Bar No. 69451)
2 Paul T. Llewellyn (Bar No. 216887)
505 Montgomery Street, Suite 2000
3 San Francisco, California 94111-6538
Telephone: (415) 391-0600
4 Facsimile: (415) 395-8095
Email: Paul.Llewellyn@lw.com

5 Attorneys for Plaintiff
6 PLANTRONICS, INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 PLANTRONICS, INC., a Delaware
corporation,

13 Plaintiff,

14 v.

15 AMERICAN HOME ASSURANCE
16 COMPANY, a New York corporation; THE
INSURANCE COMPANY OF THE STATE
17 OF PENNSYLVANIA, a Pennsylvania
corporation; ATLANTIC MUTUAL
18 INSURANCE COMPANY, a New York
corporation,

19 Defendants.
20

CASE NO. C07-06038 PVT

**DECLARATION OF PAUL T. LLEWELLYN
IN SUPPORT OF PLAINTIFF
PLANTRONICS, INC.'S MOTION FOR AN
ORDER SHORTENING TIME ON MOTION
TO STAY PROCEEDINGS**

(Honorable Patricia V. Trumbull)

1 I, Paul T. Llewellyn, declare as follows:

2 1. I am an attorney at law duly admitted to practice in the State of California and
3 before the Northern District of California. I am an associate with the law firm of Latham &
4 Watkins LLP, counsel of record for plaintiff, Plantronics, Inc. ("Plantronics"). I have personal
5 knowledge of the facts contained herein and, if called upon to do so, I could and would testify
6 competently thereto. I make this declaration in support of Plantronics' Motion for an Order
7 Shortening Time submitted herewith to have Plantronics' Motion to Stay Proceedings heard by
8 this Court on February 19, 2008, at 10:00 a.m.

9 2. Before filing the Motion for an Order Shortening Time, on Tuesday January 29,
10 2008, I contacted counsel for defendants by telephone in order to determine whether they intend to
11 oppose this Motion. Two of the three defendants, American Home Assurance Company
12 ("American Home") and The Insurance Company of the State of Pennsylvania ("ICSOP"), have
13 no objection to an order shortening time on the Motion to Stay. Counsel for Atlantic Mutual
14 Insurance Company ("Atlantic Mutual"), indicated that he intends to oppose this motion. Counsel
15 for Atlantic Mutual also indicated that he may file a motion to dismiss in response to Plantronics'
16 Complaint.

17 3. As set forth in the accompanying Motion for an Order Shortening Time, this
18 declaratory relief action arose out of the denial of insurance coverage by defendants for seven
19 putative class actions that have been filed against Plantronics ("underlying actions"). Under
20 regular notice procedures the earliest date for the Motion to Stay to be heard would be March 11,
21 2008. If the Motion for Stay is not heard until March 11, 2008, the key purpose of the stay in
22 preventing Plantronics from having to fight a "two-front war" at the same time will be
23 substantially defeated because of deadlines arising in this case before that date. For example,
24 pursuant to the Court's order setting an initial case management conference, the parties are due
25 to meet and confer by February 26, 2008, regarding initial disclosures, early settlement, ADR
26 process selection, and a discovery plan. The parties are also due to file their Rule 26(f) Reports
27 by March 11, 2008. Attached hereto as Exhibit A is a true and correct copy of this Court's Order
28 Setting Initial Case Management Conference and ADR Deadlines, dated November 29, 2007.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California on January 31, 2008.

/s/
Paul T. Llewellyn